REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 7, 11, 17, 23, 29, and 33 have been amended. Claims 19-20 have been

canceled. New claims 39-44 have been added.

Allowable Subject Matter

Applicant respectfully thanks the Examiner for allowing claims 14-16, 21-22, and

36-38.[1] In addition, Applicant thanks the Examiner for allowing claim 20 if rewritten in

independent form including all of the limitations of the base claim and any intervening

claims. Applicant submits claim 17 has been amended to include all of the limitations of

claim 20.

Drawings

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include reference to characters not mentioned in the description. Applicant

respectfully submits that Figure 4 has been corrected, and the reference to memory units

310-314 has been corrected to 312-318. Support for this change is found in the drawings

at least in Figures 3 and 5 where memory units 312-318 are shown. Furthermore,

support for this change is found and at least where it is written "Figure 4 illustrates

method 400 that commences when a unit, such as an Application Specific Integrated

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[1] While the language in the Statement of Reasons for Allowance is found in certain of the claims, it is not found in all of the independent claims. It is understood that the independent claims in which the language from the Statement of Reasons for Allowance is not found are allowable for other reasons which the Examiner did not take the time to articulate. Applicant notes that the Examiner's various comments should not be used to read non-existent limitations into the claims.

Circuit (ASIC) or other processing unit located external to ingress packet processing circuitry 212a-d or egress packet processing circuitry 214a-d, determines to store a set of data within one of memory units 312-318." (See specification, pg. 9, lines 23-26)

Claim Rejections – 35 USC § 102(e)

Claims 1-6, 7-10, 17-19, 23-28, 29-32, 33-35 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Atkinson et al (US 6,381,239). Applicant respectfully submits that independent claims 1, 7, 17, 23, 29, and 33 have been amended to overcome the Atkinson reference. Claims 1, 7, 23, 29, and 33 have been amended to include the limitations found in allowable claim 14 and 36.[2]

Consistent with the Examiner's reasons for allowance, independent claims 1, 7, 17, 23, 29, and 33 now include: 1) "reading at least one of the number of sets of static data from an accessible one of the at least two memory units if the set of data is static, upon determining that other ones of...the memory units are not accessible" (Claims 1 and 23); 2) "reading at least one of the set of data from an accessible one of the at least two memory units if the set of data is static, upon determining that other ones of the at least two memory units are not accessible" (Claim 7, 29); and 3) "reading the set of data from any accessible one of the number of memory units, upon determining that the set of data

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[2] Specifically, with respect to claims 14 and 36, the Examiner has stated that "none of the references of the record alone or in combination, in light of the specification, disclose or suggest the combination limitations specified in the independent claims including... reading the set of data from a fourth memory unit..upon determining that the first memory unit, the second memory unit, and the third memory unit are not accessible and the fourth memory unit is accessible." (See Office Action, pgs. 5-6 and see claims 14 and 36)

is static and upon determining that other ones of the number of memory units are not accessible" (Claim 33).

Similarly, the Examiner has stated that Claim 20 is allowable if rewritten in independent form including all of the limitations of the base claim 17 and any intervening claims. The applicant submits that independent claim 17 has been amended to include all the limitations of claim 20. As such, Applicant respectfully submits that claim 17 is allowable.

Lastly, Applicant respectfully submits that dependent claims 2-6, 8-10, 18-19, 24-28, 30-32, 34-35 are allowable at least for the reason that they depend on an allowable independent claim. As such, Applicant respectfully request that all of the claims 1-6, 7-10, 17-19, 23-28, 29-32, 33-35 be allowed.

Claim Rejections – 35 USC § 102(b)

Claim 11 has been rejected under 35 U.S.C. § 102(b) as being unpatentable over Totani et al. (US 5,175,842). Applicant respectfully submits that claim 11 has been amended to include the limitations found in allowable claim 14 and 36 as discussed above. Specifically, claim 11 now includes "reading the set of data from any accessible one of the number of memory units, upon determining that the set of data is static and upon determining that other ones of the number of memory units are not accessible" (Claim 11).

Claim Rejections – 35 USC § 103

Claims 12-13, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Totani et al. (US 5,175,842) in view of Atkinson et al (US 6,381,239). Applicant

respectfully submits that dependent claims 12-13 are allowable at least for the reason that they depend on an allowable independent claim.

New Claims

Applicant respectfully submits that new claims 39-44 add no new matter and are not anticipated or obvious in view of the cited prior art. In particular, new independent claims require: 1) "...the first processing unit and the second processing unit include a packet descriptor cache, the packet descriptor cache to include pointers to a first portion of the data packets stored in the first and second memory units" (Claim 39); 2) "A method within a network element, comprising:... reading the static data and the dynamic data by using a processing unit having a packet descriptor cache that includes pointers to packets within the plurality of memory units" (Claim 41). These limitations were found in claim 20 which the Examiner stated is allowable if rewritten in independent form.[3] Applicant respectfully submits that dependent claims 40 and 42-44 are allowable at least for the reason that they depend on an allowable independent claim. As such, Applicant respectfully requests that new claims 39-44 be allowed.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remarks, and that the claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims be allowed.

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[3]See Office Action, at least where it is written "Claim 20 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form" (See Office Action, pg. 5, lines 13-15).

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: _____9|29|04_____   _____

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